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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,642	03/18/2004	Robert H. Osborn JR.	577-596	5327
23869	7590	02/08/2006	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/803,642

Applicant(s)

OSBORN, ROBERT H.

Examiner

DHIRU R. PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. After further consideration, the finality of the final rejection mailed on 11/16/05 is hereby vacated. This office action replaces previous office action sent on 11/16/05 with a new statutory period. Any inconvenience to the Applicant is regretted.

#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-11 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Marik et al (5,929,383) in view of Allread et al (5,685,575).

Marik et al disclose:

Regarding claim 1, an electrical fitting 100 (see fig 3 and entire column 3) comprising: an elongated connector body 126 (see fig 3 and entire column 3) having a conduit receiving end and a conductor egressing end (see fig 3); a gland nut 122 attachable to said conduit receiving end of said body (see figs 3 and 5 and entire column 3); and a sealing ring 124 (see fig 3 and entire column

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3) interposed between said gland nut and said body (see fig 5) for establishing a seal thereat upon said attachment of said gland nut to said conduit (see fig 5), said sealing ring being formed of high temperature resistant resilient (nylon, see column 3 lines 48-52, **and also Marik disclosed that sealing ring 124 can be made from other suitable material, see column 3 lines 48-52**), but fails to disclose said sealing ring being made from nylon 4/6. Allread et al teach the use of a ring 44 made of a plastic material such as Nylon 4/6 commercially available from DSM Polymers of Southfield Mich. (see column 3 lines 25-30). It is well known in the electrical art to use a sealing ring being made from Nylon 4/6 as evidence by Allread et al, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace said ring 124 of the assembly of marik with a sealing ring being made from Nylon 4/6 as taught by Allread et al in order to provide air tight seal or gas tight seal between said gland nut and said body, and also to provide excellent sealing characteristics.

Regarding claim 3, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including an insulated throat 128 supported within said conductor egressing end of said body (see fig 3 of Marik ), said throat being formed of high temperature resistant material (nylon, see column 3 lines 48-50 of Marik).

Regarding claim 4, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including said body and gland nut being formed of conductive metal (see column 3 lines 45-51, please note that Marik

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disclosed that said body and gland nut can be made from other suitable material ), it is noted that the modified assembly of Marik meet the structural limitations. Regarding claim 5, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including a ground cone 125 (see fig 3, column 3 lines 30-35 of Marik) supported by said body (see fig 5 of Marik) for engagement with said metal conduit for establishing electrical ground connection between said body and said metal conduit.

Regarding claim 6, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including wherein said conductor egressing end is externally screw threaded for insertion into an opening in a panel of an electrical enclosure (see fig 5 of marik).

Regarding claim 7, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including an internally threaded lock nut 130 for screw threaded attachment to said conduit engaging end for securing said body to said panel (see fig 5 and entire column 3 of marik ).

Regarding claim 8, the modified assembly of Marik disclose all the features of the claimed invention as shown above, including wherein said conduit engaging end is linearly aligned with said conductive receiving end (see fig 5 of marik).

Regarding claim 9, the modified assembly of Marik disclose all the features of the claimed invention as shown above, but fails to disclose wherein said conductor egressing end is aligned at an angle with respect to conductor receiving end. It would have been an obvious matter of design choice to use said conductor egressing end is aligned at an angle with respect to conductor receiving end,

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since applicant has not disclosed that said conductor egressing end is aligned at an angle with respect to conductor receiving end solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said conductor egressing end is aligned at an angle with respect to conductor receiving end of the modified assembly of Mark.

Regarding claims 10-11, the modified assembly of Marik disclose all the features of the claimed invention as shown above, but fails to disclose wherein said angle is 45 degree and said angle is 90 degree for claims 10-11 respectively.

It would have been an obvious matter of design choice to use said angle is 45 degree for claim 10 and said angle is 90 degree for claim 11, since applicant has not disclosed that said angle is 45 degree and said angle is 90 degree solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said angle is 45 degree and said angle is 90 degree of the modified assembly of Marik.

#### Response to Arguments

3. Applicant's arguments with respect to claims 1,3-11 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues that the final rejection of the claims is improper and finality of the rejection should be removed.

With respect to argument, the final rejection has been withdrawn.

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**Contact information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DHIRU R. PATEL whose telephone number is 571-272-1983. The examiner can normally be reached on M-TH, 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DHIRU R PATEL  
Primary Examiner  
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